31. (amended) An immunogenic composition for immunizing a mammal comprising an immunogenically-effective amount of gp100 (SEQ ID NO:27) or a peptide according to claim 15 or claim 22 in a pharmacologically acceptable carrier.

REMARKS

Applicants respectfully request favorable reconsideration in view of the following remarks. Entry of this amendment is respectfully requested. It is believed that entry of the amendment will place the application in condition for allowance. If the Examiner decides to maintain the rejection of this application, entry of the amendment will reduce the number of issues remaining for appeal.

Claims 15-31 are currently pending. Claims 15-28 are allowed, and claims 29-31 are presently rejected.

Claims 29 and 31 have been rejected under 35 U.S.C. §102(a) as being anticipated by Maresh *et al.* Applicants respectfully disagree with this rejection.

Maresh describes the cDNA for a tumor antigen called ME20. This cDNA encodes a gp100 protein. In particular, Maresh first obtained a small amount of amino-terminal sequence by Edman degradation. This sequence was used to design 5' and 3' nucleic acid primers for isolation of the ME20 gene. Using these primers, Maresh identified a full-length clone, which was sequenced. When the deduced amino acid was compared to other known proteins, Maresh recognized a similarity among the proteins encoding the ME20 gene, the human melanocyte gene, Pmel 17 and the bovine retinal pigment gene, RPE1. Expression levels were analyzed in various cancer cell lines. As the Examiner points out,

Maresh also produced a monoclonal antibody against ME2O. This antibody was used to demonstrate tissue specificity of ME20. However, nowhere in the Maresh reference is there any teaching or suggestion of the compositions claimed in claims 29 and 31.

Claims 29 and 31 are compositions containing gp100 or peptides of claims 15 and 22 and a pharmacologically acceptable carrier. These compositions are patentably distinct from that described in Maresh. *Assuming arguendo* that the Examiner is correct in stating "immunogenic" or "pharmaceutical" terminology are intended use terms and "carry no patentable weight in composition claims", the claims are nevertheless patentable over Maresh. The claimed compositions require an effective amount of the protein or peptide and require a pharmacologically acceptable carrier. Neither of these required elements are taught or suggested in Maresh. Without such a teaching or suggestion one skilled in the art could not arrive at the invention as claimed without undue experimentation. An anticipatory reference under 35 U.S.C. §102(a) must disclose every limitation of the claimed invention. Applicants submit that Maresh fails to meet this test as to claim 29 and claim 31. Reconsideration and withdrawal of the §102(a) rejection is respectfully requested.

Claims 29-31 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended the claims to address the Examiner's concerns. Hence, this rejection is believed moot.

Applicants submit that the claims are in condition for allowance. Early and favorable action is earnestly solicited.

Docket No. 2026-4124US1

AUTHORIZATION

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4124US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2026-4124US1. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: April 6, 1998

By: _____
Dorothy R. Auth
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